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## Council Bluffs

### QUO WARRANTO TEST CASE

City Solicitor Thinks This Will Be Means to Employ.

### TALKS ABOUT TRACTION CASE

Rights of Company Upon Different Streets Will Be Questioned Under Franchise Rights and Contract.

While he has not yet determined on the nature of the action which he will bring in accordance with the instructions of the city council Monday night to test in the courts the validity of the city franchise granted the Council Bluffs, Lake Manawa and East Omaha Construction company, to the Omaha and Council Bluffs Railway and Bridge company, the latter corporation yesterday placed on record two mortgages to the Central Trust company of New York. These two mortgages, which are dated October 9, 1909, the same date as the conveyance from the suburban company to Omaha and Council Bluffs Railway and Bridge company of its franchise rights, are supplemental to a \$2,000,000 mortgage given by the Omaha and Council Bluffs Railway and Bridge company to the Central Trust company on December 1, 1907.

The rights of the street railway company on different streets will be attacked by the city on various grounds. On Broadway, Pearl and Main streets, for instance, the question will arise whether the franchise has been laid under the Suburban franchise while on other streets the city will contend that no track has ever been laid under this franchise and the city will claim that whatever rights may have been given on such streets, were forfeited by failure to occupy the streets within the period prescribed by the ordinance.

"All the companies interested in the franchise will be made defendants," said Mr. Kimball. This will take in, not only the Suburban company and the Omaha and Council Bluffs Railway and Bridge company, but also the "Suburban" franchise, which is operating the street car lines in Council Bluffs under a lease from the Omaha and Council Bluffs Railway and Bridge company.

### WIFE FREE TO GET DIVORCE

H. G. Ward Withdraws Opposition and Decree is Given.

Concluding that he wanted the divorce as much as she did, H. G. Ward withdrew his cross petition in his wife's suit in the district court and yesterday allowed her to secure a decree without opposition. The wife, Mrs. Mollie Ward in her petition charged her husband, to whom she was married October 9, 1905, with drunkenness and cruel and inhuman treatment. The trouble between Mrs. Ward and her husband culminated in the latter being arrested on a charge of threatening to kill his wife and he was put under bonds to keep the peace. Ward was arrested at the local Burlington depot where he is said to have attacked his wife with a knife as she was waiting for a train to go to the home of her parents in Red Oak. Ward in his cross petition charged his wife with running away with another man with whom she was alleged to be living in Red Oak. An agreement was reached out of court, however, by which he withdrew his defense. The custody of their two children was given to the mother without prejudice to any rights of the father. Ward paid the cost of the suit, but no alimony.

Grace E. Dimmitt filed suit for divorce from James W. Dimmitt, to whom she was married January 14, 1904 in Hamburg, Ia., and from whom she separated October 23, 1908, because as she alleges in her petition, he was living in and committing adultery and inhuman treatment of her.

Gertrude Mann has begun suit for divorce from L. Fred Mann, to whom she was married in this city March 27, 1906. She charges her husband with treating her in a cruel and inhuman manner and asks the court to award her in addition to the decree of divorce the custody of their two children and \$10 a month alimony for their support.

The board of supervisors yesterday after examination of the report of E. E. Cook, the engineer appointed to make a survey of the proposed ditch, declared the petition for the establishment of the Keg Creek drainage district sufficient and directed the county auditor to appoint three commissioners to approve the construction of the improvement. The engineer's report shows that the estimated cost of the ditch will be approximately \$50,000.

The board made an appropriation of \$300 from the poor fund to reimburse the Associated Charities for the care of eighteen children in the creche during the last year. A committee from the Commercial club and members of the Associated Charities

Ken Creek District Formed.

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## Council Bluffs

waited upon the supervisors at the morning session, when Congressman Walter I. Smith presented the claim of the association for an allowance of \$150 a week for the board and care of the children. It was shown that no aid had been offered the children, aside from that of the creche and the supervisors decided that the county could well afford to reimburse that institution.

### ADDITIONAL TRACTION MORTGAGE

Omaha and Council Bluffs Line Further Protects Self.

Following the recording a few days ago of the transfer by the Omaha, Council Bluffs and Suburban Railway company of its rights under the franchise granted in December, 1907, to the Council Bluffs, Lake Manawa and East Omaha Construction company, to the Omaha and Council Bluffs Railway and Bridge company, the latter corporation yesterday placed on record two mortgages to the Central Trust company of New York. These two mortgages, which are dated October 9, 1909, the same date as the conveyance from the suburban company to Omaha and Council Bluffs Railway and Bridge company of its franchise rights, are supplemental to a \$2,000,000 mortgage given by the Omaha and Council Bluffs Railway and Bridge company to the Central Trust company on December 1, 1907.

The conveyance to the Central Trust company all the rights held by the Omaha and Council Bluffs Railway and Bridge company under what is known as the "Suburban" franchise, and also all rights, franchise privileges, etc., it has or may have by reason of the selection of additional streets by it under ordinance dated July 2, 1900; also the new line to the Iowa School for the Deaf, and the line from Lake Manawa to the city limits, as well as a number of lots in Council Bluffs, acreage property about Lake Manawa and property in Sarpy county, Nebraska. This property includes the land enclosed in the resort at Lake Manawa and that in Sarpy county, Nebraska, on the south side of the lake, on which the Kursaal and bathing beach is located.

The consideration named in each mortgage is \$1.

When the Suburban company transferred its franchise rights to the Omaha and Council Bluffs Railway and Bridge company, the latter assumed the \$600,000 outstanding bonds of the Suburban company and the additional mortgages filed yesterday are to protect this indebtedness.

### BOARD OF CONTROL IN CHARGE

New Law, Colonel Baker Says, Removes Board of Road Work.

Colonel W. F. Baker, member of the Board of County Supervisors for Council Bluffs and vicinity, yesterday disclaimed any responsibility for the condition of the roads adjacent to the Iowa School for the Deaf. Complaints about the almost impassable condition of these roads have been pouring into the county authorities, and Colonel Baker has been called to task by several residents of that vicinity for his supposed inattention to these thoroughfares.

Colonel Baker explained that a new law enacted by the legislature at its last session, which went into effect July 4, placed all roads and highways within and adjacent to state institutions under the supervision of the State Board of Control. The law referred to by Supervisor Baker is as follows:

All roads and highways within and adjacent to lands belonging to the state shall be under the control and supervision of a superintendent appointed by the board of control, and the cost of maintaining, repairing, reconstructing, improving said roads, except county bridges, after deducting the road and toll taxes collected from those who use said roads, shall be paid out of the general fund in the hands of the state treasurer, not otherwise appropriated.

"I have done no work on the roads in the immediate vicinity of the Iowa School for the Deaf since July 4," said Colonel Baker yesterday. "The law clearly makes it the duty of the Board of Control and takes the entire responsibility from the hands of the Board of County Supervisors."

The road supervisor of Lewis township, however, at the repeated request of persons who were obliged to travel these roads daily, did some work on the main roads near the Iowa School for the Deaf recently. The expense of this, Colonel Baker said, he expects to have charged up to the state, but which the county will be able to recover is another question.

### INDIAN'S BODY ON SANDBAR

Hint of Possible Murder Near Onawa and Companion is Held.

ONAWA, Ia., Nov. 10.—(Special.)—The badly decomposed body of James Milton, a wealthy Indian of the Omaha agency, was found on a Missouri river sandbar Friday afternoon. The autopsy showed the body was notified and the body was brought to Onawa. A coroner's inquest was held, but as there was not enough evidence to justify a decision by the jury, the inquest was continued until November 15.

There are some suspicious circumstances connected with the case and a murder is hinted at. "Bill" Cayo, a French Indian, is held in the county jail awaiting developments. Milton is thought to have had a considerable amount of money on his person when he came to Onawa some two weeks ago accompanied by Cayo. The Indians left Onawa in a badly intoxicated condition. Cayo tells a story that he fell from the wagon while on the road to the ferry crossing and remained open in the open all night. He showed up at the ferry the following morning, but did not know anything about his companion. After learning that he had not crossed, he went to the reservation and with a friend returned to Onawa to make inquiry regarding Milton. Not finding any trace of him, he and his friend went to Omaha and remained for a week.

The day after his return the body of Milton was found and Cayo was put under arrest. The team was found several days after the disappearance in a badly starved condition, being reined so that it was impossible for them to drink or eat, except the bark from trees. Milton lived with his son and wife. He is reported to have owned 600 acres of land and had just collected his rent. When the body was found nothing of value was in the clothing.

Iowa News Notes.

AFTON—Rev. Mr. Strain of Rowley has accepted a call to the Presbyterian church at Afton. The installation will be deferred until the meeting of the spring presbytery.

ONAWA—George Williams, a young man from near Soldier, was before the juvenile commissioners Saturday and was adjudged insane. He was taken to the Cherokee asylum for treatment.

MARSHALLTOWN—The case of manslaughter against Harry Lashelle, who early last summer shot and killed Doc Seibert in a local billiard parlor, was dismissed by Judge C. H. Bradshaw in the district court this morning. Seibert died of pneumonia, which was caused by a blow to the chest made by County Attorney Eastman because of a lack of evidence.

MARSHALLTOWN—With forty dentists in attendance the annual meeting of the Waterloo District Dental society, a branch

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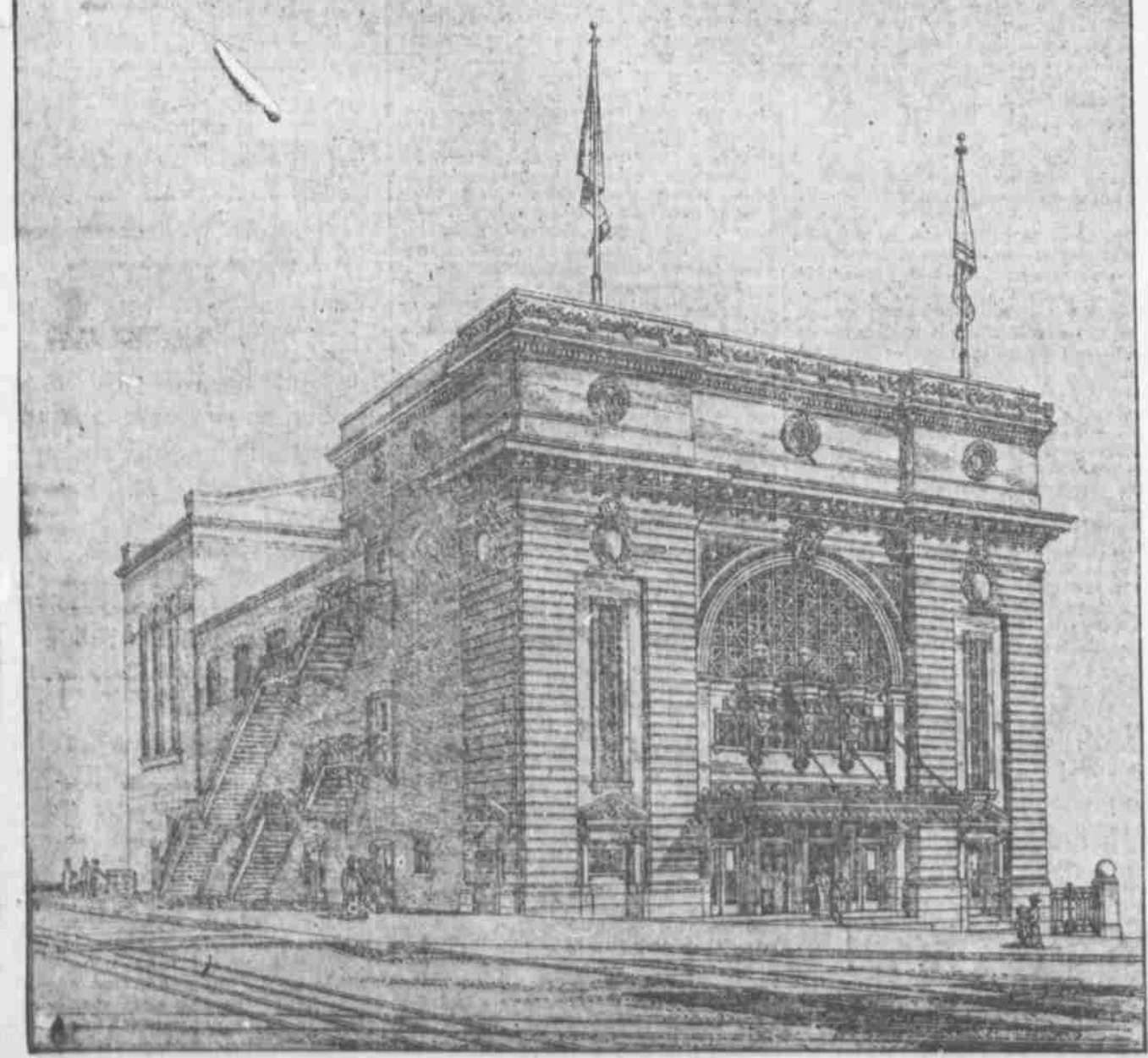
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"I find Cascarets so good that I would not be without them. I was troubled a great deal with torpid liver and headache. Now since taking Cascarets Candy Cathartic I feel very much better. I shall certainly recommend them to my friends as the best medicine I have ever seen."  
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Get rid of your Stomach Weakness and Liver Laziness by taking a course of Dr. Pierce's Golden Medical Discovery—the great Stomach Restorative, Liver Invigorator and Blood Cleanser.  
You can't afford to accept any medicine of unknown composition as a substitute for "Golden Medical Discovery," which is a medicine of known composition, having a complete list of ingredients in plain English on its bottle-wrapper, same being attested as correct under oath.  
Dr. Pierce's Pleasant Pellets regulate and invigorate Stomach, Liver and Bowels.

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